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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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TREVOR V. POPE,

Plaintiffs,

v.

VM GLOBAL TRANSPORT, LLC and  
MARCO C. ORDUNO,

Defendants.

**NOTICE OF REMOVAL**

Case No: 4:22-cv-00072-DN

Judge: David Nuffer

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TO THE CLERK OF THE ABOVE ENTITLED-COURT:

PLEASE TAKE NOTICE that Defendants VM Global Transport, LLC and Marco C. Orduño (together, “Defendants”), through counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this action based on diversity of citizenship as established in 28 U.S.C. § 1332 and/or supplemental jurisdiction as established by 28 U.S.C. § 1367. The removing Defendants allege the following as grounds for removal:

1. This action was brought and is now pending in the Fifth Judicial District Court, Washington County, State of Utah, Civil No. 220500415. The action was commenced on July 7, 2022 by the filing of a complaint, a true and correct copy of which is attached hereto as Exhibit “1,” and incorporated herein by reference.

2. The Defendants were served with the Complaint or Summons through their insurance carrier on August 22, 2022.<sup>1</sup>

3. The action consists of negligence claims arising from a traffic accident that occurred on May 6, 2021 on I-15 in Utah.

4. The complaint alleges that Plaintiff Trevor Pope “was and continues to be a resident of Iron County, State of Utah.”<sup>2</sup> He therefore is a citizen of Utah for purposes of diversity jurisdiction.<sup>3</sup>

5. VM Global Transport, LLC is a California limited liability company with two members: Isaias Muñoz Mendoza and Felipe Vazquez Capot. Both Mr. Muñoz Mendoza and Mr. Vazquez Capot were born in Mexico, are citizens of Mexico, and reside in Mexico with the intent to remain there indefinitely. Based on the foregoing, Mr. Muñoz Mendoza and Mr.

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<sup>1</sup> Ex. 1, August 22, 2022 Fax.

<sup>2</sup> *Id.*, Compl., ¶ 1.

<sup>3</sup> See *State Farm Mut. Auto. Ins. Co. v. Dyer*, 19 F.3d 514, 520 (10th Cir. 1994) (“[T]he place of residence is *prima facie* [evidence of] the domicile.”); *Middleton v. Stephenson*, 749 F.3d 1197, 1200–01 (10th Cir. 2014) (stating that an individual is domiciled in a state “when the person resides there and intends to remain there indefinitely”).

Vazquez Capot are citizens of Mexico for diversity purposes, which means VM Global Transport also is a citizen of Mexico for purposes of subject matter jurisdiction.<sup>4</sup>

6. Defendant Marco C. Orduño was born in Mexico, is a citizen of Mexico, and resides in Mexico with the intent to remain there indefinitely and, therefore, is a citizen of Mexico for purposes of subject matter jurisdiction.<sup>5</sup>

7. The Complaint alleges that the case qualifies for “Tier III” discovery under Utah law,<sup>6</sup> which means the amount in controversy is at least \$300,000.<sup>7</sup> Based on these allegations, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. The Fifth Judicial District, Washington County, State of Utah, is located within this Court’s jurisdiction.

9. This Court has jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332, as the litigation involves claims between “citizens of a State and citizens of a foreign state” or “citizen of different States in which citizens of a foreign state are additional parties,” and the amount in controversy exceeds \$75,000; accordingly, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

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<sup>4</sup> Ex. 2, Declaration of Felipe Vazquez Capot; Ex. 3, Declaration of Isaias Munoz Mendoza. Alternatively, VM Global Transport, LLC is organized under the laws of California. VM Global Transport, LLC’s headquarters always has been located in California, and it is from this California location that the company’s members and managers have directed, controlled and coordinated the company’s activities. In the event that the company’s citizenship is based upon state of organization or the location of its principal place of business, it would be a citizen of California for purposes of subject matter jurisdiction.

<sup>5</sup> Ex. 4, Declaration of Marco C. Orduño

<sup>6</sup> Ex. 1, Compl., ¶ 6.

<sup>7</sup> Utah R. Civ. P. 26(c).

10. This Notice of Removal is filed in a timely manner under 28 U.S.C. § 1446(b). Less than thirty (30) days have elapsed since the Complaint was served upon Defendants.

11. Contemporaneously with this filing, Defendants are filing a copy of this Notice with the Clerk of the Fifth Judicial District Court, State of Utah and serving it upon Plaintiff's counsel.

12. Attached as Exhibit 1 is a copy of all process, pleadings, and orders served upon Defendants in this action.

WHEREFORE, Defendants notify this Court, Plaintiffs and the Fifth Judicial District Court, Washington County, State of Utah, that this action has been removed to the United States District Court for the District of Utah, Central Division.

DATED: September 21, 2022.

SNOW CHRISTENSEN & MARTINEAU

/s/ Nathan A. Skeen

Nathan A. Skeen

Bryson R. Brown

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of September, 2022, I electronically filed a true correct copy of the foregoing **NOTICE OF REMOVAL** which served a copy to all parties of record for this case.

/s/ Deidra Sandoval